

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SYNTHERS, INC., SYNTHERS USA HQ, INC.,	:	
SYNTHERS USA, LLC, SYNTHERS USA SALES,	:	
LLC, and SYNTHERS USA PRODUCTS, LLC,	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	NO. 11-1566
EMERGE MEDICAL, INC., JOHN P.	:	
MAROTTA, ZACHARY W. STASSEN, ERIC	:	
BROWN, and CHARLES Q. POWELL,	:	
	:	
Defendants.	:	
	:	
EMERGE MEDICAL, INC.,	:	
	:	
Counterclaim-Plaintiff,	:	
	:	
v.	:	
	:	
SYNTHERS, INC., SYNTHERS USA HQ, INC.	:	
SYNTHERS USA, LLC, SYNTHERS USA SALES,	:	
LLC, and SYNTHERS USA PRODUCTS, LLC,	:	
	:	
Counterclaim-Defendants.	:	

ORDER

AND NOW, this 28th day of *September*, 2012, upon consideration of the Motion by Plaintiffs and Counterclaim-Defendants Synthes, Inc., Synthes USA HQ, Inc., Synthes USA, LLC, Synthes USA Sales, LLC, and Synthes USA Products, LLC (collectively “Synthes”) to Dismiss Defendant and Counterclaim-Plaintiff Emerge Medical, Inc.’s Alleged “Abuse of Process” and Antitrust Counterclaims, and/or, in the alternative, to Bifurcate and Stay All

Proceedings and Discovery Related to Each Counterclaim (Docket No. 66), the Response of Defendant and Counterclaim-Plaintiff Emerge Medical, Inc. (“Emerge”) (Docket No. 72), and Synthes’s Reply Brief (Docket No. 79), it is hereby **ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Synthes’s Motion to Dismiss Emerge’s Abuse of Process counterclaim is **DENIED AS MOOT** in light of Emerge’s representation that no such counterclaim exists;
2. Synthes’s Motion to Strike certain allegations from the Counterclaim Complaint is **DENIED**;
3. Synthes’s Motion to Dismiss Counts IV, V, and VI of the Counterclaim Complaint is **GRANTED** and these claims are **DISMISSED WITH PREJUDICE**.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.